

## General Assembly

## **Amendment**

February Session, 2010

LCO No. 4433

\*HB0544104433HD0\*

Offered by:

REP. SPALLONE, 36th Dist.

REP. HETHERINGTON, 125th Dist.

To: Subst. House Bill No. **5441** 

File No. 482

Cal. No. 300

## "AN ACT CONCERNING CERTAIN REVISIONS TO ELECTIONS RELATED STATUTES."

- 1 Strike sections 26, 28, 80 and 119 in their entirety and renumber the
- 2 remaining sections and internal references accordingly
- 3 In line 1220, insert brackets around "and"
- In line 1225, after "position" insert ", and (5) in the case of either a
- 5 <u>municipality or a political subdivision holding more than one primary</u>
- 6 on the same day for different political parties, one certified moderator
- 7 may serve as moderator for both primaries, if the registrars of voters so
- 8 agree"
- 9 After the last section, add the following and renumber sections and
- 10 internal references accordingly:
- 11 "Sec. 501. Section 9-247 of the general statutes is repealed and the
- 12 following is substituted in lieu thereof (*Effective from passage*):

The registrars of voters shall, before the day of the election, cause Ithe mechanic or mechanics to insert on each machine the ballot labels corresponding with the sample diagrams provided and to put each such machine] test ballots to be inserted in each tabulator to ensure that each tabulator is prepared and ready and cause each other voting system approved by the Secretary of the State for use in the election, including, but not limited to, voting systems equipped for individuals with disabilities that comply with the provisions of the Help America Vote Act, P.L. 107-252, as amended from time to time, to be put in order in every way and set and adjust the same so that it shall be ready for use in voting when delivered at the polling place. Such registrars shall cause [the machine so labeled,] each such voting system to be in order and set and adjusted, to be delivered at the polling place, together with all necessary furniture and appliances that go with the same, at the room where the election is to be held, not later than [six o'clock in the afternoon of the day preceding the election. Each voting machine shall be furnished with light sufficient to enable electors while voting to read the ballot labels and suitable for use by the election officials in examining the counters. A pencil shall also be provided, within each voting machine, for use in casting a write-in ballot one hour prior to the opening of the polling place.

Sec. 502. Section 9-264 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a)] An elector who requires assistance to vote, by reason of blindness, disability or inability to write or to read the ballot, may be given assistance by a person of the elector's choice, other than (1) the elector's employer, (2) an agent of such employer, [or] (3) an officer or agent of the elector's union, or (4) a candidate for any office on the ballot, unless the elector is a member of the immediate family of such candidate. The person assisting the elector may accompany the elector into the voting [machine] booth. Such person shall register such elector's vote upon the [machine] ballot as such elector directs. Any person accompanying an elector into the voting [machine] booth who deceives any elector in registering [his] the elector's vote under this

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47 section or seeks to influence any elector while in the act of voting, or 48 who registers any vote for any elector or on any question other than as 49 requested by such elector, or who gives information to any person as 50 to what person or persons such elector voted for, or how [he] such 51 elector voted on any question, shall be fined not more than one 52 thousand dollars or imprisoned not more than five years or both. As 53 used in this subsection, "immediate family" means the candidate's 54 spouse, child or parent, or a dependent relative who resides with the 55 candidate.

(b) Paper ballots provided by the municipal clerk to the moderator pursuant to section 9-259 shall be made available for electors with disabilities in polling places in which a voting machine cannot be adjusted to allow all necessary parts to be reached from a chair. Such paper ballots shall be used at the option of the elector with disabilities. The elector shall announce the elector's name to the checkers who shall cross the elector's name off the registry list and add it with the elector's address to the end of the official checklist where it shall be designated "paper ballot for persons with disabilities" or "PBD" and serially numbered. After the elector has so announced the elector's name, the moderator shall deliver to the elector an absentee ballot and a seriallynumbered envelope. The elector shall forthwith mark the ballot in the presence of the moderator in such manner that the moderator shall not know how the ballot is marked. The elector shall fold the ballot in the presence of the moderator so as to conceal the markings and deposit and seal it in the serially-numbered envelope. The elector shall deliver the envelope to the moderator who shall place it in a speciallydesignated depository envelope. The paper ballots thus received shall be counted at the next scheduled absentee ballot count in the same manner as other absentee ballots. Such ballots so counted shall be preserved by placing them in the depository envelopes with the regular absentee ballots, and such serially-numbered envelopes shall be placed in the depository envelopes with the regular absentee ballot envelopes.]

Sec. 503. Section 9-250 of the general statutes is repealed and the

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81 following is substituted in lieu thereof (*Effective from passage*):

Ballots shall be printed in [black ink, in] plain clear type [,] and on [clear white] material of such size as will fit the tabulator, and shall be furnished by the registrar of voters. The size and style of the type used to print the name of a political party on a ballot shall be identical with the size and style of the type used to print the names of all other political parties appearing on such ballot. The name of each major party candidate for a municipal office, as defined in section 9-372, [except for the municipal offices of state senator and state representative, shall appear on the ballot as [it appears on the registry list of the candidate's town of voting residence, except as provided in section 9-42a] the candidate authorizes it to appear on the ballot, pursuant to the certificate filed or the statement of consent filed. The name of each major party candidate for a state or district office, as defined in section 9-372, or for [the] a municipal office [of state senator or state representative] shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, subsection [(b)] (c) of section 9-391, or section 9-400 or 9-409, as amended by this act. The name of each minor party candidate shall appear on the ballot as it appears on the [registry list] certificate or statement of consent filed under section 9-388, or in accordance with the provisions of section 9-452, as amended by this act. The name of each nominating petition candidate shall appear on the ballot as [it is verified by the town clerk on the application filed under section 9-453b] the candidate authorizes it to appear on the ballot, pursuant to the certificate filed or the statement of consent filed. The size and style of the type used to print the name of a candidate on a ballot shall be identical with the size and style of the type used to print the names of all other candidates appearing on such ballot. Such ballot shall contain the names of the offices and the names of the candidates arranged thereon. The names of the political parties and party designations shall be arranged on the ballots, either in columns or horizontal rows as set forth in section 9-249a, immediately adjacent to the column or row occupied by the candidate or candidates of such political party or organization. [When

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two or more candidates are to be elected to the same office, the The ballot shall be printed in such manner as to indicate [that] how many candidates the elector may vote for, [any two or such other number as he is entitled to vote for, provided in the case of a town adopting the provisions of section 9-204a, such ballot shall indicate the maximum number of candidates who may be elected to such office from any party. If two or more candidates are to be elected to the same office for different terms, the term for which each is nominated shall be printed on the official ballot as a part of the title of the office. If, at any election, one candidate is to be elected for a full term and another to fill a vacancy, the official ballot containing the names of the candidates in the foregoing order shall, as a part of the title of the office, designate the term which such candidates are severally nominated to fill. No column, under the name of any political party or independent organization, shall be printed on any official ballot, which contains more candidates for any office than the number for which an elector may vote for that office.

Sec. 504. Section 9-409 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

Petition forms for candidacies for nomination to municipal office or for election as members of town committees shall be available from the registrar beginning on the day following the making of the party's endorsement of a candidate or candidates for such office or position, or beginning on the day following the final day for the making of such endorsement under the provisions of section 9-391, as amended by this act, whichever comes first. Any person who requests a petition form shall give his name and address and the name, address and office or position sought of each candidate for whom the petition is being obtained, and shall file a statement signed by each such candidate that he consents to be a candidate for such office or position. [In the case of the municipal offices of state senator and state representative, each] Each such candidate shall include on the statement of consent his name as he authorizes it to appear on the ballot. Upon receiving such information and statement, the registrar shall type or print on a

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petition form the name and address of each such candidate, the office sought and the political party holding the primary. The registrar shall give to any person requesting such form one or more petition pages, suitable for duplication, as the registrar deems necessary. If the person is requesting the form on behalf of an indigent candidate or a group of indigent candidates listed on the same petition, the registrar shall give the person a number of petition pages determined by the registrar as at least two times the number needed to contain the required number of signatures for a candidacy for nomination to municipal office or a number of petition pages determined by the registrar as at least five times the number needed to contain the required number of signatures for a candidacy for election as a town committee member. An original petition page filled in by the registrar may be duplicated by or on behalf of the candidate or candidates listed on the page and signatures may be obtained on such duplicates. The duplicates may be filed in the same manner and shall be subject to the same requirements as original petition pages. All information relative to primary petitions shall be a public record.

Sec. 505. Subsection (a) of section 9-437 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2010):

(a) At the top of each ballot [label] shall be printed the name of the party holding the primary, and each ballot [label] shall contain the names of all candidates to be voted upon at such primary, except the names of justices of the peace. The vertical columns shall be headed by the designation of the office or position and instructions as to the number for which an elector may vote for such office or position, in the same manner as a ballot [label] used in a regular election. The name of each candidate for town committee or municipal office, [except for the municipal offices of state senator and state representative,] shall appear on the ballot [label as it appears on the registry list of such candidate's town of voting residence] as the candidate authorizes it to appear on the ballot, pursuant to the certificate filed or the statement of consent filed, except as provided in section 9-42a. The name of each

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candidate for state or district office or for the municipal offices of state senator or state representative shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, 9-391, as amended by this act, 9-400 or 9-409, as amended by this act. On the first horizontal line, below the designation of the office or position in each column, shall be placed the name of the party-endorsed candidate for such office or position, such name to be marked with an asterisk; provided, where more than one person may be voted for for any office or position, the names of the party-endorsed candidates shall be arranged in alphabetical order from left to right under the appropriate office or position designation and shall continue, if necessary, from left to right on the next lower line or lines. In the case of no party endorsement there shall be inserted the designation "no party endorsement" at the head of the vertical column, immediately beneath the designation of the office or position. On the horizontal lines below the line for party-endorsed candidates shall be placed, in the appropriate columns, the names of all other candidates as hereinafter provided.

- Sec. 506. Section 2-30a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
  - (a) At such time as a proposed constitutional amendment [is] and its concomitant ballot question are approved by the General Assembly for presentation to the electors of the state for their consideration at a general election, the Office of Legislative Research shall prepare a concise explanatory text as to the content and purpose of the proposed constitutional amendment subject to the approval of the joint standing committee of the General Assembly having cognizance of constitutional amendments. Upon such approval, the Secretary of the State shall cause such proposed amendment and such explanatory text to be printed and transmitted to the town clerk in each town in the state in sufficient supply for public distribution.
- 214 (b) The Secretary of the State shall print the explanations of 215 proposed constitutional amendments, as required by subsection (a) of

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216 this section, on posters of a size to be determined by said secretary and 217 shall mail at least three such posters for every polling place within a 218 town, to the [town clerk] registrars of voters. Said [clerk] registrars shall cause at least three such posters to be posted at each polling place 219 220 at which electors shall be voting on such proposed constitutional 221 amendments. Any posters received by [a town clerk] the registrars in 222 excess of the number required by this subsection to be so posted may 223 be displayed by said [clerk at his] registrars at their discretion at 224 locations which are frequented by the public. No expenditure of state 225 funds shall be made to influence electors to vote for or against any 226 such proposed constitutional amendment.

Sec. 507. Subsection (a) of section 9-391 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2010):

(a) Each endorsement of a candidate to run in a primary for the nomination of candidates for municipal office to be voted upon at a municipal election, or for the election of town committee members shall be made under the provisions of section 9-390 not earlier than the fifty-sixth day or later than the forty-ninth day preceding the day of such primary. The endorsement shall be certified to the clerk of the municipality by either (1) the chairman or presiding officer, or (2) the secretary of the town committee, caucus or convention, as the case may be, not later than four o'clock p.m. on the forty-eighth day preceding the day of such primary. Such certification shall contain the name [and] of each such endorsed candidate as the candidate authorizes it to appear on the ballot, the signature of each such endorsed candidate, the street address of each person so endorsed, the title of the office or the position as committee member and the name or number of the political subdivision or district, if any, for which each such person is endorsed. If such a certificate of a party's endorsement is not received by the town clerk by such time, such certificate shall be invalid and such party, for purposes of sections 9-417, 9-418 and 9-419, shall be deemed to have neither made nor certified such endorsement of any candidate for such office.

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Sec. 508. Section 9-452 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

All minor parties nominating candidates for any elective office shall make such nominations and certify and file a list of such nominations, as required by this section, not later than the sixty-second day prior to the day of the election at which such candidates are to be voted for. A list of nominees in printed or typewritten form that includes each candidate's name as each candidate authorizes it to appear on the ballot, the signature of each candidate, the full street address of each candidate and the title and district of the office for which each candidate was nominated shall be certified by the presiding officer of the committee, meeting or other authority making such nomination and shall be filed by such presiding officer with the Secretary of the State, in the case of state or district office or the municipal office of state representative, state senator or judge of probate, or with the clerk of the municipality, in the case of municipal office, not later than the sixty-second day prior to the day of the election. The clerk of such municipality shall promptly verify and correct the names on any such list filed with him, or the names of nominees forwarded to him by the Secretary of the State, in accordance with the registry list of such municipality and endorse the same as having been so verified and corrected. For purposes of this section, a list of nominations shall be deemed to be filed when it is received by the secretary or clerk, as appropriate.

Sec. 509. Section 9-461 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

Not later than the seventh day following the date set for the primary for nomination at any election at which a municipal office is to be filled, the clerk of the municipality in which such election is to be held shall file with the Secretary of the State a list of the candidates of each party for the municipal offices to be filled at such election nominated in accordance with the provisions of this chapter. Such list shall be on a form provided by the Secretary of the State and shall indicate the name

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and address of each candidate and the office and term for which each candidate has been nominated, and, except for major party candidates for the municipal offices of state senator or state representative, shall contain the certification of such municipal clerk that he has compared the name of each such candidate with the candidate's name as [it appears on the registry list the candidate authorizes it to appear on the ballot, pursuant to the certificate filed in accordance with subsection (c) of section 9-391, or the statement of consent filed in accordance with section 9-409, as amended by this act, as applicable, and has verified and corrected the same. In the case of major party candidates for the municipal offices of state senator or state representative, such list shall contain the certification of the [town] municipal clerk that he has compared the name of each such candidate with the candidate's name as the candidate has authorized, on the certificate or statement of consent filed under subsection [(b)] (c) of section 9-391 or section 9-409, as amended by this act, his name to appear, and has verified and corrected the same. Such list shall include a statement of the total number of candidates for which each elector may vote for each office and term at such election as set forth in the list or amendment or supplement thereto filed with the Secretary of the State under section 9-254. After the filing of such list of candidates, the clerk of the municipality shall forthwith notify the Secretary of the State of any errors in such list or of any changes in such list provided for in section 9-329a or 9-460.

Sec. 510. (Effective from passage) Notwithstanding the provisions of section 9-6 of the general statutes, as amended by this act, a municipality divided into two voting districts that elect registrars of voters for each voting district and that compensates such registrars of voters for attending two conferences a year shall, until January 9, 2013, only compensate two registrars of opposite political parties for each such conference and, if the registrars are unable to agree as to the two registrars to be so compensated, such determination shall be made at least three days prior to such conference by the chief executive officer of the municipality.

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Sec. 511. Section 1-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) There shall be an Office of State Ethics that shall be an independent state agency and shall constitute a successor agency to the State Ethics Commission, in accordance with the provisions of sections 4-38d and 4-39. Said office shall consist of an executive director, general counsel, ethics enforcement officer and such other staff as hired by the executive director. Within the Office of State Ethics, there shall be the Citizen's Ethics Advisory Board that shall consist of nine members, appointed as follows: One member shall be appointed by the speaker of the House of Representatives, one member by the president pro tempore of the Senate, one member by the majority leader of the Senate, one member by the minority leader of the Senate, one member by the majority leader of the House of Representatives, one member by the minority leader of the House of Representatives, and three members by the Governor. Members of the board shall serve for fouryear terms which shall commence on October 1, 2005, except that members first appointed shall have the following terms: The Governor shall appoint two members for a term of three years and one member for a term of four years; the majority leader of the House of Representatives, minority leader of the House of Representatives and the speaker of the House of Representatives shall each appoint one member for a term of two years; the president pro tempore of the Senate, the majority leader of the Senate and the minority leader of the Senate shall each appoint one member for a term of four years. No individual shall be appointed to more than one four-year term as a member of the board, provided, members may not continue in office once their term has expired and members first appointed may not be reappointed. No more than five members shall be members of the same political party. The members appointed by the majority leader of the Senate and the majority leader of the House of Representatives shall be selected from a list of nominees proposed by a citizen group having an interest in ethical government. The majority leader of the Senate and the majority leader of the House of Representatives shall

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each determine the citizen group from which each will accept such nominations. One member appointed by the Governor shall be selected from a list of nominees proposed by a citizen group having an interest in ethical government. The Governor shall determine the citizen group from which the Governor will accept such nominations.

- (b) All members shall be electors of the state. No member shall be a state employee. No member or employee of such board shall (1) hold or campaign for any public office; (2) have held public office or have been a candidate for public office for a three-year period prior to appointment; (3) hold office in any political party or political committee or be a member of any organization or association organized primarily for the purpose of influencing legislation or decisions of public agencies; or (4) be an individual who is a registrant as defined in subsection (q) of section 1-91.
- (c) Any vacancy on the board shall be filled by the appointing authority having the power to make the original appointment. An individual selected by the appointing authority to fill a vacancy shall be eligible for appointment to one full four-year term thereafter. Any vacancy occurring on the board shall be filled within thirty days.
- (d) The board shall elect a chairperson who shall, except as provided in subsection (b) of section 1-82 and subsection (b) of section 1-93, preside at meetings of the board and a vice-chairperson to preside in the absence of the chairperson. Six members of the board shall constitute a quorum. Except as provided in subdivision (3) of subsection (a) of section 1-81, subsections (a) and (b) of section 1-82, subsection (b) of section 1-88, subdivision (5) of section 1-92, subsections (a) and (b) of section 1-93 and subsection (b) of section 1-99, a majority vote of the members shall be required for action of the board. The chairperson or any three members may call a meeting.
- (e) Any matter before the board, except hearings held pursuant to the provisions of subsection (b) of section 1-82 or subsection (b) of section 1-93, may be assigned by the board to two of its members to

conduct an investigation or hearing, as the case may be, to ascertain the facts and report thereon to the board with a recommendation for action.

- (f) Members of the board shall be compensated at the rate of two hundred dollars per day for each day they attend a meeting or hearing and shall receive reimbursement for their necessary expenses incurred in the discharge of their official duties.
- (g) The board shall not be construed to be a board or commission within the meaning of section 4-9a.
- (h) The members and employees of the Citizen's Ethics Advisory Board and the Office of State Ethics shall adhere to the following code of ethics under which the members and employees shall: (1) Observe high standards of conduct so that the integrity and independence of the Citizen's Ethics Advisory Board and the Office of State Ethics may be preserved; (2) respect and comply with the law and conduct themselves at all times in a manner which promotes public confidence in the integrity and impartiality of the board and the Office of State Ethics; (3) be faithful to the law and maintain professional competence in the law; (4) be unswayed by partisan interests, public clamor or fear of criticism; (5) maintain order and decorum in proceedings of the board and Office of State Ethics; (6) be patient, dignified and courteous to all persons who appear in board or Office of State Ethics proceedings and with other persons with whom the members and employees deal in their official capacities; (7) refrain from making any statement outside of a board or Office of State Ethics proceeding, which would have a likelihood of prejudicing a board or Office of State Ethics proceeding; (8) refrain from making any statement outside of a board or Office of State Ethics proceeding that a reasonable person would expect to be disseminated by means of public communication if the member or employee should know that such statement would have a likelihood of materially prejudicing or embarrassing a complainant or a respondent; (9) preserve confidences of complainants and respondents; (10) exercise independent professional judgment on

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behalf of the board and Office of State Ethics; and (11) represent the board and Office of State Ethics competently.

- (i) No member or employee of the board or Office of State Ethics may (1) make a contribution, as defined in section 9-601a, to any [person] <u>public official</u>, <u>state employee or candidate for public office</u> subject to the provisions of this part; or (2) participate in the political campaign of any candidate for public office subject to the provisions of this part, including, but not limited to, (A) publicly endorsing or opposing a candidate; (B) organizing, selling tickets to, promoting or actively participating in a fund raising activity of a candidate, a political party or a political committee; (C) directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for contributions or other funds for the political campaign of any candidate for public office; (D) soliciting votes in support of or in opposition to a candidate on behalf of the political campaign of any candidate for public office; and (E) providing any other compensated or uncompensated services for the political campaign of any candidate for public office.
- (j) Members of the board shall recuse themselves from participating in any proceeding or matter undertaken pursuant to this chapter that involves the person who appointed such member to the board.
- (k) No member of the board may represent any business or person, other than himself or herself, before the board for a period of one year following the end of such member's service on the board. No business or person that appears before the board shall employ or otherwise engage the services of a former member of the board for a period of one year following the end of such former member's service on the board.
- (l) No member of the board may hold any other position in state employment for a period of one year following the end of such member's service on the board, including, but not limited to, service as a member on a state board or commission, service as a judge of the

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448 Superior Court or service as a state agency commissioner.

(m) Upon request of any aggrieved party, the board shall delay the

450 effect of any decision rendered by the board for a period not to exceed

451 more than seven days following the rendering of such decision."